



General Assembly

January Session, 2005

Substitute Bill No. 1174

* SB01174KIDED_031505 *

AN ACT CONCERNING SCHOOL NUTRITION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-221o of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 Each local and regional board of education shall require each school
4 under its jurisdiction to: (1) Offer all full day students a daily lunch
5 period of not less than twenty minutes, and (2) include in the regular
6 school day for each student enrolled in grades kindergarten to five,
7 inclusive, a period of physical exercise, for a minimum of twenty
8 minutes each day or a minimum of one hundred minutes each week,
9 in addition to any physical education requirements, except that a
10 planning and placement team may develop a different schedule for a
11 child requiring special education and related services in accordance
12 with chapter 164 and the Individuals With Disabilities Education Act,
13 20 USC 1400 et seq., as amended from time to time. In the event of a
14 conflict with this section and any provision of chapter 164, such other
15 provision of chapter 164 shall be deemed controlling.

16 Sec. 2. (NEW) (*Effective July 1, 2005*) Each local and regional board of
17 education shall establish a School Wellness Committee to monitor and
18 implement nutrition and physical activity policies required pursuant
19 to the Child Nutrition and WIC Reauthorization Act of 2004. Each such
20 committee shall make recommendations to its board of education

21 regarding ordering Connecticut grown foods for inclusion in school
22 meals, conducting school fundraisers with healthy food items,
23 establishing a nutrition education curriculum and promoting physical
24 education and exercise. Members of the committee shall include, but
25 need not be limited to, a school administrator, a physical education
26 teacher, a teacher who does not teach physical education, a school
27 nurse, the food service director for the school district, two parents of
28 children enrolled in a school in the school district and a middle school
29 student and high school student.

30 Sec. 3. Section 10-221p of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective July 1, 2005*):

32 (a) Each local and regional board of education shall make available
33 in the schools under its jurisdiction for purchase by students enrolled
34 in such schools: (1) Only nutritious, low-fat [foods and] drinks, which
35 shall include, but shall not be limited to, [low-fat] milk, including low-
36 fat milk, chocolate milk, soy milk or rice milk, one hundred per cent
37 natural fruit juices, fruit-based drinks composed of not less than fifty
38 per cent fruit juice that have no added natural or artificial sweeteners,
39 and water, [at all times when drink is available for purchase by
40 students in such schools] and (2) low-fat dairy products and fresh or
41 dried fruit at all times when food is available for purchase by students
42 in such schools during the regular school day. Only drinks and foods
43 specified in subdivisions (1) and (2) of this subsection shall be available
44 for students to purchase in vending machines, school canteens and
45 stores, except that beginning one-half hour after the end of the regular
46 school day, electrolyte replacement beverages containing no more than
47 forty-two grams of added sweetener per twenty ounce serving may be
48 made available to such students.

49 (b) Not later than January 1, 2006, and annually thereafter, the
50 Department of Education shall publish a list of recommended snack
51 foods, other than beverages, that may be offered for sale to students at
52 elementary, middle and secondary schools in the state. Local and
53 regional boards of education may adopt such recommendations for all

54 schools under their jurisdiction during the 2005-2006 school year and
55 shall adopt such recommendations, as amended from time to time,
56 beginning on August 15, 2006.

57 (c) If a school is participating in a United States Department of
58 Agriculture special milk program, only milk and not the other drinks
59 specified in subdivision (1) of subsection (a) of this section shall be
60 made available to students during the time such program is in
61 operation.

62 Sec. 4. Section 10-206 of the general statutes is repealed and the
63 following is substituted in lieu thereof (*Effective July 1, 2005*):

64 (a) Each local or regional board of education shall require each pupil
65 enrolled in the public schools to have health assessments pursuant to
66 the provisions of this section. Such assessments shall be conducted by
67 a legally qualified practitioner of medicine, an advanced practice
68 registered nurse or registered nurse, licensed pursuant to chapter 378,
69 a physician assistant, licensed pursuant to chapter 370, or by the school
70 medical advisor to ascertain whether such pupil is suffering from any
71 physical disability tending to prevent such pupil from receiving the
72 full benefit of school work and to ascertain whether such school work
73 should be modified in order to prevent injury to the pupil or to secure
74 for the pupil a suitable program of education. No health assessment
75 shall be made of any child enrolled in the public schools unless such
76 examination is made in the presence of the parent or guardian or in the
77 presence of another school employee. The parent or guardian of such
78 child shall receive prior written notice and shall have a reasonable
79 opportunity to be present at such assessment or to provide for such
80 assessment himself or herself. A local or regional board of education
81 may deny continued attendance in public school to any child who fails
82 to obtain the health assessments required under this section.

83 (b) Each local or regional board of education shall require each child
84 to have a health assessment prior to public school enrollment. The
85 assessment shall include: (1) A physical examination which shall

86 include hematocrit or hemoglobin tests, height, weight, blood
87 pressure, body mass index and [, beginning with the 2003-2004 school
88 year,] a chronic disease assessment which shall include, but not be
89 limited to, asthma as defined by the Commissioner of Public Health
90 pursuant to subsection (c) of section 19a-62a, and if the body mass
91 index percentile is above a percentile determined by the Commissioner
92 of Public Health, a test for all types of diabetes. The assessment form
93 shall include (A) a check box for the provider conducting the
94 assessment, as provided in subsection (a) of this section, to indicate an
95 asthma or diabetes diagnosis, (B) screening questions relating to
96 appropriate public health concerns to be answered by the parent or
97 guardian, and (C) screening questions to be answered by such
98 provider; (2) an updating of immunizations as required under section
99 10-204a, provided a registered nurse may only update said
100 immunizations pursuant to a written order by a physician or physician
101 assistant, licensed pursuant to chapter 370, or an advanced practice
102 registered nurse, licensed pursuant to chapter 378; (3) vision, hearing,
103 speech and gross dental screenings; and (4) such other information,
104 including health and developmental history, as the physician feels is
105 necessary and appropriate. The assessment shall also include tests for
106 tuberculosis, sickle cell anemia or Cooley's anemia and tests for lead
107 levels in the blood where the local or regional board of education
108 determines after consultation with the school medical advisor and the
109 local health department, or in the case of a regional board of education,
110 each local health department, that such tests are necessary, provided a
111 registered nurse may only perform said tests pursuant to the written
112 order of a physician or physician assistant, licensed pursuant to
113 chapter 370, or an advanced practice registered nurse, licensed
114 pursuant to chapter 378.

115 (c) Each local or regional board of education shall require each pupil
116 enrolled in the public schools to have health assessments in either
117 grade six or grade seven and in either grade ten or grade eleven. The
118 assessment shall include: (1) A physical examination which shall
119 include hematocrit or hemoglobin tests, height, weight, blood

120 pressure, body mass index and [, beginning with the 2003-2004 school
121 year,] a chronic disease assessment which shall include, but not be
122 limited to, asthma as defined by the Commissioner of Public Health
123 pursuant to subsection (c) of section 19a-62a, and if the body mass
124 index percentile is above a percentile determined by the Commissioner
125 of Public Health, a test for all types of diabetes. The assessment form
126 shall include (A) a check box for the provider conducting the
127 assessment, as provided in subsection (a) of this section, to indicate an
128 asthma or diabetes diagnosis, (B) screening questions relating to
129 appropriate public health concerns to be answered by the parent or
130 guardian, and (C) screening questions to be answered by such
131 provider; (2) an updating of immunizations as required under section
132 10-204a, provided a registered nurse may only update said
133 immunizations pursuant to a written order of a physician or physician
134 assistant, licensed pursuant to chapter 370, or an advanced practice
135 registered nurse, licensed pursuant to chapter 378; (3) vision, hearing,
136 postural and gross dental screenings; and (4) such other information
137 including a health history as the physician feels is necessary and
138 appropriate. The assessment shall also include tests for tuberculosis
139 and sickle cell anemia or Cooley's anemia where the local or regional
140 board of education, in consultation with the school medical advisor
141 and the local health department, or in the case of a regional board of
142 education, each local health department, determines that said
143 screening or test is necessary, provided a registered nurse may only
144 perform said tests pursuant to the written order of a physician or
145 physician assistant, licensed pursuant to chapter 370, or an advanced
146 practice registered nurse, licensed pursuant to chapter 378.

147 (d) The results of each assessment done pursuant to this section and
148 the results of screenings done pursuant to section 10-214 shall be
149 recorded on forms supplied by the State Board of Education. Such
150 information shall be included in the cumulative health record of each
151 pupil and shall be kept on file in the school such pupil attends. If a
152 pupil permanently leaves the jurisdiction of the board of education, the
153 pupil's original cumulative health record shall be sent to the chief

154 administrative officer of the school district to which such student
155 moves. The board of education transmitting such health record shall
156 retain a true copy. Each physician, advanced practice registered nurse,
157 registered nurse, or physician assistant performing health assessments
158 and screenings pursuant to this section and section 10-214 shall
159 completely fill out and sign each form and any recommendations
160 concerning the pupil shall be in writing. The results of each assessment
161 shall be confidential and shall not be used for any purpose except
162 those described in this section, unless required by law.

163 (e) Appropriate school health personnel shall review the results of
164 each assessment and screening as recorded pursuant to subsection (d)
165 of this section. When, in the judgment of such health personnel, a
166 pupil, as defined in section 10-206a, is in need of further testing or
167 treatment, the superintendent of schools shall give written notice to the
168 parent or guardian of such pupil and shall make reasonable efforts to
169 assure that such further testing or treatment is provided. Such
170 reasonable efforts shall include a determination of whether or not the
171 parent or guardian has obtained the necessary testing or treatment for
172 the pupil, and, if not, advising the parent or guardian on how such
173 testing or treatment may be obtained. The results of such further
174 testing or treatment shall be recorded pursuant to subsection (d) of this
175 section, and shall be reviewed by school health personnel pursuant to
176 this subsection. Any weight or body mass index data collected in
177 accordance with the provisions of this section shall be confidential as
178 provided in subsection (e) of this section but may be used to assess
179 norms related to childhood obesity.

180 (f) On and after February 1, 2004, each local or regional board of
181 education shall report, on an annual basis, the total number of pupils
182 per school and per school district having a diagnosis of asthma
183 recorded on such health assessment forms to the local health
184 department and the Department of Public Health. The report shall
185 contain the asthma information collected as required under
186 subsections (b) and (c) of this section and shall include pupil age,
187 gender, race, ethnicity and school. Beginning on October 1, 2004, and

188 every three years thereafter, the Department of Public Health shall
189 review the asthma screening information reported pursuant to this
190 section and shall submit a report to the joint standing committees of
191 the General Assembly having cognizance of matters relating to public
192 health and education concerning asthma trends and distributions
193 among pupils enrolled in the public schools. The report shall be
194 submitted in accordance with the provisions of section 11-4a and shall
195 include, but not be limited to, trends and findings based on pupil age,
196 gender, race, ethnicity, school and the education reference group, as
197 determined by the Department of Education for the town or regional
198 school district in which such school is located.

199 (g) On and after February 1, 2006, each local or regional board of
200 education shall report, on an annual basis, the total number of pupils
201 per school and per school district having a diagnosis of obesity based
202 on the body mass index recorded on such health assessment forms to
203 the local health department and the Department of Public Health. The
204 report shall contain the body mass index information collected as
205 required under subsections (b) and (c) of this section and shall include
206 pupil age, gender, race, ethnicity and school.

207 Sec. 5. (NEW) (*Effective October 1, 2005*) Beginning on October 1,
208 2006, and every three years thereafter, the Department of Public Health
209 shall review the obesity information reported pursuant to section 10-
210 206 of the general statutes, as amended by this act, and shall submit a
211 report to the joint standing committees of the General Assembly
212 having cognizance of matters relating to public health and education
213 concerning obesity trends and distributions among pupils enrolled in
214 the public schools. The report shall be submitted in accordance with
215 the provisions of section 11-4a of the general statutes and shall include,
216 but not be limited to, trends and findings based on pupil age, gender,
217 race, ethnicity, school and the education reference group, as
218 determined by the Department of Education, for the local or regional
219 school district in which such school is located. Such report shall not
220 include the names of individual pupils.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2005</i>	10-221o
Sec. 2	<i>July 1, 2005</i>	New section
Sec. 3	<i>July 1, 2005</i>	10-221p
Sec. 4	<i>July 1, 2005</i>	10-206
Sec. 5	<i>October 1, 2005</i>	New section

KID*Joint Favorable Subst. C/R*

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